T-829 P.01/06 F-526 RECEIVED CENTRAL FAX CENTER

SEP 1 2 2005

OFFICIAL

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000 Evanston, Illinois 60201 Telephone 847 – 905 – 7111 Facsimile 847 – 905 – 7113

Date:

SEPTEMBER 12, 2005

To:

EXAMINER MENDEZ, MANUEL A.

U.S. PATENT AND TRADEMARK OFFICE

Fax #:

(571) 273-8300

From:

FRANK C. NICHOLAS

Phone #:

(847) 424-2521

Client/Matter No.:

9250/3

of Pages:

6

(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL <u>847/805-7111, Ext. 112</u> AND ASK FOR <u>JENNIFER CRUZ</u>

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE

PTORESCI: (1347), Approve he use programment, Cultivité dan Pears en Tempera Orice us S DEPARTAÉNT OF COMMERC The Department of C (15), as arrangement of comment of a supposed of the cultivity of the Cultivity

supply that Pagint Association And of 1955, the purposes or regional or included in transcription where it is the Vindo															
	TI	RANS	MITTA	Attorney Docket	9250/3										
	•			•		Application Nun	10/763,510								
		FC	RM			Fring Date	JANUARY 23, 2004								
						First Named Inv	MICHAEL J. DALTON								
	(ID Do 4450	र्म कि औ दरमध्य	spondenču Affer	ingiai Tong)		Group Art Unit	3763								
						Examiner	MENDEZ, MANUEL A.								
ENCLOSURES (check all that apply)															
						Assignment Papers			Appeal Communication to Board of						
×		onse to Office Communication 1 August 10, 2005				(for an Application)				Appeals and Interferences					
	□ ^	After Final				Drawings	Appear Brief (duplic)								
	Affidavas/declaration(a)				After Allowance Communication to Group										
	· ••••••••••••••••••••••••••••••••••••				Petition Routing Stip (PTO/S8/69) and Accompanying Petition				Proprietary information						
	Status Le	Status Letter				To Convert a Provisional Applica		Post Cam Receipt							
	Extension	of Time F	gednesi (grib	lic)		Power of Attorney, 37 C.F.R. 1.33 Ch Correspondence A			Additional Enclosure(s) (please identify below)						
	Express /	is Abandonment Request				Terminal Disclaim									
	Information Disclosure Statement, PTO- 1449, art					Small Entry State	•								
	— Comfort Conv. of Prings, Dog monte)					Request of Refun									
Response to Missing Parts/ Incomplete						The Commissioner is nereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1719. A duplicate copy of this sheet is enclosed.									
×						I hereby petition under 37 CFR § 1 136(a) for any extension of time required to ensure that this paper is timely fited. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.									
CALCULATION OF FEE Small Entity Large Entity															
	Claums Affer Amendment			Previously Pag For		Present Extra		Rate	Addi Fee	or		Rane	Aggi Fee		
Total	<u> </u>	Minus						x \$25	=	0		x 550=			
indep		Minus					x \$100		0		a \$200=				
•	est Presentation of Multiple D		Dep. Ciam				+\$180=		Į.			- \$360 =			
								total add1 fe		\$0		total add'i fee	\$0		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT															
Fxm or		Re	RANK C. NIC Systemon No												
Undividi	emsn isu	16	ARDINAL LA 1839 Omington	Avenue, S	ute 200	20									
Signature Evanston, IL 60201						<i></i>	Date September 12 2005								
Squan	#6	$-\mathcal{H}$	Jul C	OTIONATE AS EA		IMILE									
I nereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300															
to the L	y Certity the J.S. Patent	en wes com	espondence emark Office	on this date	i voitilue	A AIG TOPOSITION (C) (J1 1.	, 215-0300				September	12, 2005		
		7	10	11/1					Date	e	~*****	per 12, 2005			
Signatu		PRANK C.	NICHOLAS	(33,983)	<u></u>	-		-	(1) (1)		AUARIII				

FIGNEST (1287) Approved to the strongs (COOK). Date (Exp. COOK) Frank and Tradelian Copies U.S. LEPAR RECEIT OF COMMERCE

									*** **********************************								
TRANSMITTAL							Attorney Docket No			9250/3							
							Application Nur	10/763,510									
FORM							Filing Date	JANUARY 23, 2004									
							First Named Inventor			MICHAEL J DALTON							
	(10 De uada 101 a	S COrre	Byundarice alte	丨	Group Art Unit			3763									
							Examiner			MENDEZ, MANUEL A							
ENCLOSURES (check all that apply)																	
				T	_						жа Сс	Communication to Board of					
Ø	Response to Office Communication Dated August 10, 2005					or an Applicatio	Abbeats and intratereucss										
	After I	After Final					rawngs		Appeal Brief (dupic)								
	Afficavits/gegaration(s)						ifter Allowance C Broup										
	villes in sub-material al					P	endan Routing S Na Accompanyin		Propoetary information								
	Status Letter						o Convert a rovisional Applic	1		Post Card Receipt							
	Extension of Time Request (duplic)					3	ower of Attorney, 7 C.F.R. 1.33 Ch correspondence A		Additional Enclosure(s) (plaase identify below)								
	Express Abandonment Request						erminai Disciaim										
	Information Disclosure Statement, PTO-					S	maii Entity State										
1449. art Certified Copy of Priority Document(s)						R	equest of Refur										
Response to Missing Parts/ Incomplete Application						Of	The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.										
					×	i i er ha	I hereby petition under 37 CFR § 1 136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy										
							this sheet is en										
						CA	TCTFYION O	r.	small	Entray			Large I	Ептиту			
	Claims After			Highest No Previously			Present			Add'I		or		Addi			
	Amendment			Paid For		\downarrow	Extra		Rate	Fee			Rate	Fee			
Токви	-		Minus			+			x \$25=	1			x \$50≏_				
ingep.	Minus				+			x \$100=		0		x \$200=					
First Pre	First Presentation of Multiple Dep Claim				_		1	+\$780=	1	s 0		+ \$360=		so			
SIGNATURE							PPLICANT, AT	TOF	total accrifee		э и		tôtal âdd'i fee				
Firm		FR	ANK C. NIC														
or Registration No. 33,983 CARDINAL LAW GROUP 1603 Omington Avenue, Suite Evanston, IL, 80201						00											
Signature Fil Child						<u></u>			Date September 12, 2005								
				/	CE	RTI	FICATE OF FA	CSI	MILE								
						N) VI	a facsimile to (5	371)	273-8300				South to 4	2 San	F.		
to the U	S Patent and 1	>	mark Office	OF THIS GATE	_				· ·		-		September	A. 2001	<u>. </u>		
Signatur	e PRAN	// IK C	NICHOLAS	(33,983)			·			Date:	<u>\$e</u>	ptemt	er 12_2005		;		

RECEIVED
CENTRAL FAX CENTER

SEP 1 2 2005

Certificate of Facsimile
I hereby certify that this correspondence is being
transmitted via facsimile to (571) 273-8300 to the U.S.
Patent and Trademark Office on this date: September 12, 2005
(Data of Transmission)

FRANK C. NICHOLAS. (33.983)

Name of applicant, assigned or registered representative

Signature

September 12, 2005

Date of Signature

PATENT Case No. 9250/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

)
) Examiner: MENDE2, MANUEL A.
))
) Group Art Unit: 3763

RESPONSE TO OFFICE COMMUNICATION DATED AUGUST 10, 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22202-1450

Dear Sir:

This is a response to an Office Communication dated August 10, 2005. The Applicant responds as follows: